

APPEAL NO. 021408  
FILED JULY 24, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 1, 2002. With regard to the issues before her, the hearing officer concluded that the appellant (claimant herein) did not suffer a compensable injury; that the claimant did not have disability; and that the respondent (carrier herein) is relieved of liability because of the failure of the claimant to timely report his injury to the employer. The claimant appeals, contending that these determinations were contrary to the evidence. There is no response to the claimant's request for review from the carrier in the appeal file.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

The issues of whether the claimant sustained a compensable injury, whether he timely reported his injury to his employer, and whether the claimant had disability were questions of fact for the hearing officer. The hearing officer did not err in determining that the claimant did not sustain a compensable injury on \_\_\_\_\_. The claimant had the burden to prove that he sustained damage or harm to his right wrist arising out of and in the course and scope of his employment. Texas Workers' Compensation Commission Appeal No. 91028, decided October 23, 1991. In the present case, the hearing officer determined that the claimant did not sustain a compensable injury in the course and scope of his employment on \_\_\_\_\_. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, the hearing officer's determination is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

Given our affirmance of the hearing officer's determination that the claimant did not sustain a compensable injury, we likewise affirm her determination that the claimant did not have disability. By definition, the existence of a compensable injury is a prerequisite to a finding of disability. Section 401.011(16).

The hearing officer did not err in determining that that claimant did not have good cause for failing to timely report to the employer that he sustained a work-related injury within 30 days of \_\_\_\_\_. Section 409.001 requires that an employee, or a person acting on the employee's behalf, shall notify the employer of an injury not later than the 30th day after the date on which the injury occurs. Failure to do so, absent a showing of good cause or actual knowledge of the injury by the employer, relieves the

carrier and the employer of liability for the payment of benefits for the injury. Section 409.002. Whether or not an injured worker has good cause for failing to report an injury to his employer within 30 days as is required by Section 409.001 is a question of fact for the hearing officer to resolve. Nothing in our review of the record indicates that the challenged determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb this determination on appeal. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986); Cain, *supra*.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **HARTFORD UNDERWRITERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**C.T. CORPORATION SYSTEM  
350 N. ST. PAUL STREET  
DALLAS, TEXAS 75201.**

---

Gary L. Kilgore  
Appeals Judge

CONCUR:

---

Judy L. S. Barnes  
Appeals Judge

---

Robert W. Potts  
Appeals Judge